

REMARKS

Claims 1-24 have been canceled.

New claims 28-31 are presented for prosecution.

Claims 25-31 remain pending in the application. Of these, claims 25 and 26 are currently amended.

Claims 1-8 and 11-27 stand rejected in various combinations under 35 U.S.C. §102(b) or 35 U.S.C. §103(a) based on Pond, III U.S. 3,087,728. The device of Pond includes an annular score line (noted at 28 in Fig. 2) that severs the shaft 12 into an upper section 14 and a lower section 16. A frangible pin 38 connects upper and lower sections 14 and 16. The device of Pond is meant to break in response to a striking force, e.g., striking the head 34 at an inanimate object (see col. 2, lines 42-48). It is apparent that the device of Pond, particularly pin 38, must be sufficiently rigid to permit breaking in response to the striking of an inanimate object. It is apparent that the device of Pond, particularly pin 38, would not be sufficiently resilient to permit bending about an arc of curvature or the device would flex in response to impact an inanimate object, but not break. While the shaft 12 of the Pond device may be constructed of a flexible material, Pond does not contemplate flexing or bending of the pin 38. Furthermore, Pond does not teach or suggest, as defined by independent claims 25 and 26, grasping a shaft with a hand on one side of the score line and holding a second end of the shaft with a second hand on an opposite side of the score line. Pond also does not teach or suggest bending the shaft along an arc of curvature that includes the score line to a range of bend angles. Pond does not teach or suggest, as defined by claim 25, bending the shaft along the arc of curvature not exceeding a predetermined maximum bend angle and returning the shaft to a normal position. Nor does Pond teach or suggest, as defined by claim 26, flexing the shaft beyond the predetermined maximum bend angle and breaking the shaft at the score line.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 25-31 is respectfully requested.

Respectfully Submitted,

By Patricia A. Limbach
Patricia A. Limbach
Registration No. 50,295

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

29 December, 2003

Customer No.: 26308

Sriksol/17504/031229 Amend B

Enclosures: Amendment Transmittal Letter
Return Postcard